Toms Coffe

House

REFLECTIONS

ON THE

DIFFERENT IDEAS

OF THE

Devereux Court

FRENCH and *ENGLISH*,

In regard to CRUELTY.

[Price Six-pence.]

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FRENCH and *ENGLISH*,

In regard to CRUELTY;

WITH

Some Hints for improving our Humanity in a particular Branch.

By a Man.

LONDON:

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BRITISH MUSEUM

TO

The moſt HUMANE PERSON alive,

[Whoever that is.]

Sir, or Madam,

THIS Dedication being intended to ſerve others, not myſelf, you muſt not expect Flattery; and as you have the beſt heart in the world, you will *not* expect it. You muſt not even hope for praiſe from me; firſt comply with the requeſt of this addreſs, as I am ſure you will; and when you have complied with it, you will feel a ſatisfaction beyond the luxury of incenſe. Peruſe this little piece, which is written to do good, not to pleaſe or to be admired; and uſe all your intereſt and all your power, if fortunately for mankind *you* happen to have either, in promoting the good-natured work I recommend. The

celebrated

celebrated painter *, who has wit enough for a ſatiriſt, has gained a far more amiable reputation by preaching humanity with his pencil: How many modes of cruelty has he exploded! the legiſlature itſelf has vouchſafed to put down others: May no ſpecies of it remain amongſt us! may it appear that the braveſt people are always the moſt tender-hearted! with the ſincereſt prayers for your being as ſucceſsful as you are good, I remain,

Sir, or Madam,

Your greateſt admirer

and

(as you are to me)

* *Hogarth.*

UNKNOWN.

REFLECTIONS
ON THE
DIFFERENT IDEAS
OF THE
FRENCH and *ENGLISH.*

MR. *Voltaire*, if he is author of the hiſtory of Seventeen hundred and Forty-one, ſeems a good deal ſhocked at our manner of executing Rebels in *England*, by hanging, drawing and quartering; the two latter circumſtances he is pleaſed to call Remains of our ancient Ferocity. It ſeems odd, that what muſt have affected moſt *Engliſhmen*, with a kind

kind of gratitude to the humanity of their anceſtors, for having invented ſo merciful a method of aggravating terror to the ſpectators, without inflicting any additional pain upon the unhappy ſufferers, ſhould have raiſed ſo contrary an idea in one, who though from the whole tenor of his writings, a lover of mankind, yet one, who to the beſt of my recollection, has not ſo much as dropped in any part of his works a ſingle mark of deteſtation of the Racks and Tortures in his own country by Law eſtabliſhed. I hope it is not injuring him to ſuppoſe, he might have ſupported the ſight, at leaſt may have read the account, of the execution of *Damien*, without having ever thought of diſtinguiſhing in all that refined cruelty any tokens of hereditary barbarity tranſmitted from the ancient *Gauls* down to his own nation.

The reflection I have made is not aimed at Mr. *Voltaire*, but at Human Nature, preſently won over to whatever is often preſented to its ſight, ſtartled at every thing that is new, for no other reaſon than becauſe it is ſo. The degree of our compaſſion may depend upon our own turn of thought, the objects of it are fixed without any choice of our own by the place we inhabit.

Mankind is not ſo void of humanity, as national reflections would make one believe, though far from abounding with ſo much as

one

one might be led to imagine from the large proportion every man ſuppoſes in himſelf. The misfortune is, there are too many methods invented in the world to over-rule it. We do not truſt to the impulſes of our own compaſſion, but quietly ſubmit them to certain Laws, Cuſtoms, nay Sayings, without ever enquiring whether they are right in themſelves. Let but the doctrine be once inculcated, that no common beggar is to be relieved, and ſee what objects can preſent themſelves and their miſeries to multitudes who are far from any want of tenderneſs about their hearts, and yet are left by them not only unrelieved but unpityed. "Why did you leave your own pariſh where you would have been provided for!" As if it were poſſible a nation, particularly a trading one, could ſubſiſt by every man's growing where he was firſt planted, or that all tranſmutation of place was not liable to an extraordinary ſhare of accidents and misfortunes. No matter how the rules of the world came to be eſtabliſhed, if the date of them is but out of our ſight, we immediately ſuppoſe they dropped from heaven; what a conſolation ought it to be to the preſent age, that when it ſhall be become an anceſtor, any folly and abſurdity we are now committing, may be received by paſſive poſterity, as the produce of conſummate wiſdom!

It is the remark, and I think a very juſt one, of a late writer, that humanity is the characteriſing feature of the preſent times. I grieve to think that half the wretched of thoſe to come, will probably feel their misfortunes grow ſorer, by reflecting upon what relief, they will think, they could not have fail'd of finding, had they been happy enough to have taken out their lot of life in days ſo diſtinguiſhed by a general compaſſion. Were it poſſible for ſuch a bubble, as this preſent performance, to be conveyed down to them unburſt, it might be matter of comfort to them, to be informed, that an eye-witneſs, and one who endeavoured at leaſt to obſerve juſtly, thought it a queſtion, Whether, either much public utility, or private convenience, more than the ſetting a broken limb, were effected by all this profuſion of giving. I know not how it came into our heads, but we ſeem to think that *to give*, is the whole duty of chriſtian and moral charity, while we are too indolent to weigh what purpoſes *that giving* will anſwer; or if we go ſo far, whether the methods taken will effect thoſe purpoſes. We give to any body, provided we know not whom; a principle that has founded many convents and colleges. We give to purchaſe hands from the labours of the field, which we muſt ſoon think of purchaſing them to reſume, if not rendered unfit. We give to teach numbers to write

and

and read, who can never profit themſelves by thoſe acquirements, but certainly hurt the community by their being ſet above occupations abſolutely neceſſary. It would be eaſy to go on thus for ſome pages; the whole would only ſeem to ſhew, that the benevolence of the world is at beſt but very whimſically exerted: If it is bountifully poured out where it leaſt ſeems to be due, it is abſolutely dammed up, where there is moſt reaſon to demand its courſe ſhould be thrown open. Thus often miſapplied, never extinguiſhed, we ſuffer the manners of our country, or the familiarity of the object, to numb our ſenſibility; change but the ſcene of action or bring a circumſtance quite new to us, and humanity immediately recovers all its feeling. Pity! that prejudice ſhould have been entruſted with the key of our very virtues!

We *Engliſh* who cannot think without ſhuddering on the red-hot pincers and the melted lead at the *Grève*, would be reconciled to them upon *Tower-hill*, as ſoon as the rough points of novelty came to be a little rounded off by uſe, and we had time enough to tell one another, that what we ſaw done was done by law. The *Frenchman* who returns with little concern from ſeeing a wretch broke upon the wheel, and left to languiſh there poſſibly for the next forty hours, muſt have become an inhabitant of *London* of ſome ſtanding, before he will be able to paſs by one of our priſons for debt (the

miſeries of which he knows are heaped upon misfortune not upon crime) without perceiving his natural gaiety conſiderably diſconcerted.

The *French* and we, to whom the world of long time, has been able to furniſh nothing worth either our envy or hate, but each other, have as long been bandying backwards and forwards the mutual reproach of want of humanity. Rivals, whoſe diſpoſitions all the while reſemble each other more than either of us care to own, or ſeem to ſuſpect, we have framed our notions of an oppoſition in our reſpective character, not ſo much from any obſervations we have made on the living characters of one another, as from the different aims and contrary behaviour of the laws of both nations.

Thoſe of *France* are ſo determined, nothing criminal ſhall eſcape their vengeance, that they conſider not in the fury of their purſuit, with what terrors and miſeries they may overwhelm innocence itſelf. Inflexible on the minuteſt glimpſe of guilt, yet are they all mercy to mere misfortune, they diſarm themſelves of all their fierceneſs to interpoſe in behalf of debtors, whom they protect from the utter ruin threatned by their creditors; but they reſume every grain of their ſeverity upon the leaſt ſuſpicion of fraud in the caſe of bankruptcy, of which indeed they are ſo jealous, it is next to impoſſible it ſhould find any place.

Thoſe

Thoſe of *England* are ſo tender, ſo cautious of afflicting the innocent, as to prefer the evaſion of the guilty to the riſk of it: But how unlike themſelves do they appear, when ſtript of their meekneſs, and armed with all the reſentment of the creditor, they load misfortune with a degree of puniſhment, to which they themſelves ſeem to have thought the moſt enormous crimes inadequate, (ſuppoſing there are none whoſe penalty is perpetual impriſonment) yet theſe very laws are ſo good as to relapſe into all their mildneſs in favour of bankrupts, ſo much more recommendatory is it to them, to be inſolvable for an immenſe than for a trifling ſum. Strange! that the advantage and ſecurity of commerce, being their principal aim in this caſe, they ſhould have made it, I fear, often far from an inconvenience to him who breaks for forty thouſand pounds, entire deſtruction to him who cannot pay forty ſhillings!

I know not how theſe poor people were treated in the days of our *Edward* the Fourth, one might imagine rather gently, from the received maxim of that time, that *our common law was as old as the creation, being nothing elſe than common ſenſe.* Now I believe it hard for any body to conceive that it ever could poſſibly have entered into the head of *Cain* to have impriſoned his brother *Abel* for life, on his not having it in his power to repay him forty turneps, or an equal number of carrots; his

his very envy was more merciful. However now that the world is become peopled and arranged, the community has a diſtinct right in every conſtituent part of itſelf, which no particular can have a power to cancel on account of private loſſes: This is allowed, and conſtantly urged, as the aggravation of the crime of duelling, where the reſentment of one occaſions the loſs of a member to the whole. But I deſire to know, in what light is he more guilty, who from dread of infamy, than he who for fear of loſing a paultry debt, brings about the ſame diminution to ſociety? or what difference would it be to the public, were the thouſands dead only in law, actually fallen by private deciſions of the ſword?

Indeed our whole treatment of theſe unhappy people, is point-blank contrary to reaſon, humanity, and our common principles. After all the fanfaronade we make and have made about liberty, after all the ſuperiority every one of us thinks he has a right to claim by it over all the reſt of mankind, how muſt a foreigner laugh, when he is informed, that by our own eſtimate, this invaluable bleſſing, this diſtinguiſhing glory and happineſs of the *Britiſh* people, this privilege cheaply bought, were it with all our blood, is worth to a halfpenny the prodigious ſum of forty ſhillings; but we may comfort ourſelves for being the ſubject of his mirth, in the ſecurity that we ſhall have his unfeigned

prayers,

prayers, for the continuance of ſuch freedom, if not for our own ſakes, at leaſt for the conſolation of the reſt of the world, which heaven has thought fit to deprive of ſo great a felicity.

One cannot but make a reflection here, that our anceſtors in their rough-hewn age, without pretenſions to any ſmoothneſs of manners, (though they felt themſelves reſtrained by that ſacred horror with which they regarded all *Precedent*, from preſuming to bring about any reformation in the laws they found ready made to their hands, particularly thoſe relative to my immediate ſubject;) yet took care to build ſo many *Cities of refuge* againſt the *purſuers*, that it is hard to conceive, how any body could fall their victim. Beſides, the protections granted without ſtint of numbers by the ſovereign, all peers, members of parliament, particular magiſtrates, the verge of every palace, (and palaces could not fail of being numerous, while a ſplendid houſe was enough to prove its poſſeſſor a traitor) beſides the aſylum of churches and convents, they granted immunities to certain places, of which the *Fleet* remained the laſt inſtance in our time. Every one of theſe have been extinguiſhed one after another in contra-gradation to the advancement humanity was making among us. And the days the moſt poliſhed by compaſſion and beneficence, have proved the only days in which law has been permitted to pour

out

out all the phials of its wrath, on thoſe unfortunate heads, for which the days of barbariſm had provided ſufficient ſhelter.

It is here, if any where, I am apprehenſive the ball of reproof thrown at us by our neighbours will lay at our feet, we cannot remove it again by retorting upon them the miſeries of their gallies. An *Engliſhman* indeed the firſt time he happens to be at *Marſeilles* or *Toulon*, provided he has a heart ſuſceptible of pity, will find it much moved at the ſight of numbers of men, doomed to labour, and drag their heavy chain into the bargain, but ſtill more by the name of *Slavery*. And it is plain it muſt be from the word, for the labour of *Bridewell* full as hard, and the chains of *Newgate* equally weighty, would not affect him in the ſame manner; yet it is impoſſible he can imagine that fatigue or pain are more ſenſible in open air than they would be in a dungeon. But an inhabitant that ſhould obſerve his concern would treat it as an affectation, and be apt to aſk him, if it were poſſible for him really to feel all he pretended for a ſet of men criminal in the higheſt degree, who are juſtly debarred of that liberty to which, by having abuſed it, they have forfeited all pretenſions; and who, it is but reaſonable, ſhould be forced to make all the reparation in their power, and that is by labour, to the country they have injured,

jured, whilſt in your own land, he would ſay, you condemn to a ſeverer ſlavery, a far greater number, only for being in circumſtances, which no fortune whatever can abſolutely ſecure any one of you from the poſſibility of falling into, at ſometime or other. Our galley-ſlaves have the enjoyment of wholeſome air, a conſtant change of ſcene, nay their very labour is infinitely preferable to the moping inactivity of your jails. At ſea, except in a calm, their lives are not much more uncomfortable than thoſe of common ſailors, in port you ſee how numbers of them are employed, look at the quays covered from one end to the other with little ſhops, peopled by ſuch inhabitants exerciſing their reſpective trades and manufactures, and differing from common artificers only in paying a ſmall conſideration to their captain, in being chained to their ſhop, and aboard their galley from ſunſet to ſun-riſe. None are of charge but of utility to the community, and beſides that very few are condemned for life (which your inſolvents are in effect). Even of thoſe few ſeveral gain fortunes by their induſtry, and when their acquiſitions are become great enough to be a kind of pledge to the public for their future good behaviour, purchaſe their liberty, all but the wearing a badge of their former condition. Many thouſand pounds have been paid in your country to the draught of one in this, who ſtill wears the mark of ſlavery about his ancle, though

indeed ſhrunk to the ſmallneſs of a wire, and its original infamy brightned up rather into an object of pride.

I begin to be tired, (and in that a writer ſeldom anticipates his reader,) of conſidering this ſubject in the light of contradictory reproach; the proving another to be in a greater degree of the ſame fault, than ones ſelf, can only affect the propriety of the reproof from that particular quarter, not in the leaſt extenuate ones own failing. I only wiſh both or either ſide would begin to reform, which whoever ſincerely ſets about may enjoy the laudable revenge of turning the objections of an opponent into the inſtructions of a friend. However the reader muſt be ſenſible that I have been far from puſhing the argument the length it would readily go, having rather confined myſelf to what foreigners actually do, than what they might, ſay upon the occaſion, were we to ſuppoſe them inſtructed in ſeveral particulars, almoſt too common for our own notice. It would be difficult to ſupply either melancholy or ridicule enough to their reflections, were we to ſuppoſe them reaſoning upon a people who pique themſelves on humanity, of whom a conſiderable and diſtinguiſhed number are poſſeſſed of the moſt deſirable privilege human nature can be inveſted with, a power to protect the unfortunate, the deſerted, the oppreſſed. This privilege (to which one would think juſtice herſelf even when ſhe

is out of humour could have no objection were it but reſtrained under a proteſtation of there being reaſon to believe the perſon protected incapable of giving ſatisfaction, and a promiſe of withdrawing it, the contrary being made to appear) has been ſuffered to crumble into almoſt abſolute diſuſe, while the trifling one of ſaving threepence, or the no trifling one to thoſe who profit by it, of enabling one ſet of men to hold a double ſhare of preferment, are regarded as invaluable, and made uſe of to their utmoſt extent; the latter, even by thoſe who ſeldom make uſe of that miniſtry on which they beſtow this advantage.

To have done therefore with the opinions of others, let us return to ourſelves; moſt of us have ſcarce ever thought about the matter. We never look at the picture becauſe it always hangs before our eyes. It is abroad that we go to *ſee*; that faculty is laid aſide as ſoon as we return home. A ſlave in *Morocco*, who is often ſo well treated there that he refuſes the offer of returning to his own country, or a ſoldier killed by the *Indians* of *America*, excite all our compaſſion. We are ſtruck with the ideas of diſtance, and of the complection of the ſlayer. The ſuperior miſery in our own walks, (and removeable by ourſelves if we did not chooſe to imagine that all beggars want by choice, that loſs of liberty is not ſlavery, that rotting in the inactivity of a dungeon in *England* is preferable to whoſome labour in the

fineſt climates upon earth, that debt, however innocently incurred, is a greater crime than murder, that a Republic may thrive the better though one half of the people ſhould render the other half not only uſeleſs but chargeable to the remainder.) I ſay, we leave this branch of domeſtic miſery, I ſuppoſe, for the inhabitants of the moſt diſtant countries to pity (as we do) two or three thouſand miles off. For compaſſion ſeems to be the reverſe of charity, and begins at the very fartheſt point from home.

I hope it is remembered always, that my complaint is not grounded upon any ſuppoſed want of general humanity, but on the direction of what there is already extant, that in a country where greater ſums (however applied) are expended in charity than perhaps by any people occupying the treble extent of ſoil in the known world; that while numbers of hoſpitals, erected by voluntary contribution, not only in our capital but in ſeveral of our counties, offer to almoſt every malady, or bodily accident to which man is liable, a comfort if not a cure; that at a time when a tenderneſs for the liberty of the ſubject was ſo prevalent, that the benefit of the *Habeus corpus* act was endeavoured to be ſtill farther extended, and (to the glory of the promoter) by one, who from his office we were rather inclined to look upon as the miniſter of power; that in that country, and at that time, no alleviation of miſery, no relief (farther than

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a temporary and uncertain from hunger and cold ſupplied by private hands) ſhould have been yet thought upon for ſo numerous a family of wretches, moſt of whom we can charge only with having been unfortunate; the ſeverity and impropriety of whoſe treatment, has aggravated our character of cruelty infinitely more than ever our prize-fighters did. Perhaps it might be policy, conſidering that juſt now our virtues ſeem in the eye of the reſt of *Europe*, to ſtand rather at below *temperate*; if it were only upon that account to think of ſome relaxation in their behalf.

I am aware that I have a great deal of prejudice to ſtruggle againſt, and that of a ſort the more difficult to remove as it has grown up along with us, for prejudice has but to lay its eggs in our minds while green in our infancy, and they ſhall inhabit there unſuſpected even after ſenſe is grown to maturity, and rank there in merit like a commiſſion, according to the precedency of date. It is to this that we owe our indolence in regard to theſe poor people; *we found them* ſo uſed, is our reaſon for perſevering in uſing them ſo: add to this the deference we all imagine we owe to whatever is law, which, to be ſure, can do no wrong any more than kings, *i. e.* neither will bear to be told of it, if they do any. But the chief cauſe of our indifference, I take to be, our entire ignorance of the ſtate and condition of priſoners.

If

If we knew any fallen into that misfortune, were the place they inhabit ſupportable to us, it would be natural for us to avoid ſeeing thoſe we refuſe to aſſiſt; and it is much eaſier to our own thoughts, (rather than to conſider them in a ſtate where they may reproach us,) to look upon them as litterally dead, and accordingly we mourn for them about as long. I have never been able to comprehend, to what defect in our reformation, neglect in our clergy, or imperfection in morality it is owing, that we ſo univerſally overlook ſo ſtrong a recommendation, rather ſo abſolute a command as that given to all Chriſtians, of *viſiting the ſick and ſuch as are in priſon*. The firſt part of the injunction may have been better obeyed, the hopes of a legacy may make this burden of the goſpel feel light to us. Is it to ſhew our zeal to Proteſtantiſm that we omit a duty ſo generally practiſed by papiſts? whoever has been abroad knows, that the hoſpitals and priſons there receive daily viſits, and from ladies of the firſt rank, not only from the devout, but from ſuch as owe Heaven an amends, the one ſent thither by compaſſion and humility, the other by injunction of the Confeſſor: From whatever principle it flows, or how ridiculous ſoever the catholic notion of penance may be, it is certainly of excellent conſequence in this caſe, as hereby thoſe who are in abundance or at their eaſe, learn what the miſeries of life are, and thoſe very miſeries find great

alleviation

alleviation from the converſation, the charity of thoſe that attend them: at the ſame time a check is put upon the impoſition on one ſide, and the profligacy on the other; which muſt be the growth of all priſons left entirely to themſelves. I might expect to be laughed at, were I to propoſe the practice of this to our fine ladies, but I beg leave juſt to hint to them, that it is the only foreign faſhion they have never thought fit to adopt. No, I am ſo far from wanting to ſend my fair readers to priſon, though upon a good account, that I would willingly leave no ſuch place (I mean for debt) for them to go to if they would; all I want, all I would exact of them is, their intereſt in promoting a Bill of PERPETUAL INSOLVENCY. What could better ſuit the gentleneſs of their ſex, the amiableneſs of their character, and the tenderneſs of their diſpoſition, than for them to interpoſe between the tyranny of cuſtom, the unrelentingneſs of men, and the unfortunate ſufferers by both. They are already famed in hiſtory for having introduced friendſhip between armies ready to engage, and for having given up all their ornaments to help the ſtate in its exigencies; nor would it be leſs glorious for them to have ſheathed the law, and freed their country from its greateſt reproach. Do not let them be deterred by the imagination of all law being ſacred, nothing can be ſo much ſo, for it to be wrong to enquire, whether it ought to

be

be ſo or no. That againſt witchcraft, while it remained in force, was equally reſpectful with what we would have repealed or mitigated. Yet that, to our honour, though at the ſlow rate with which reaſon is ever doomed to win its ground, has been abrogated in our days. Can it be pretended that the burning an old woman now and then, allow it as horrid as ever you pleaſe, could be as great a reflection upon the wiſdom or juſtice of a nation, as the debarring multitudes (who without witchcraft could not ſecure ſucceſs to their affairs) from every act of civil or animal life, but thoſe of eating and drinking; wants ſcantily ſupplied by the public, yet extravagantly, as it can reap no manner of return? I flatter myſelf the times are favorable to ſuch a bill, the world is grown wiſer, and conſequently better. Its cruelties, its treacheries, the enmities attending upon unintelligible diſtinctions that ſtifled its humanity, are wearing away. A few centuries ago, would it have been ſurprized at the aſſaſſination of a king? it is ſcarce ſo now (except that it could be ſo long concealed) at the univerſal beneficence of our late excellent princeſs *Caroline*, the fame of whoſe good deeds did not follow her into this world, till the time that, no doubt, the reward of them did into the next. In ſhort, it ſeems to be now only that mankind are diſcovering their conſanguinity to one another. From ſo amicable a diſpoſition, how many received maxims may

we

we expect to ſee diſcovered to be downright prejudices! how many legal rights to be abſolute injuſtice, how many principles of trade to be mean over-reaching, and how many objections which I foreſee will be thrown out againſt my preſent propoſal, to be very cavils!

I ſhall endeavour to anticipate ſome of them. The principal, (but which I do not expect to hear openly uſed, becauſe every one will give it another name, even to himſelf) I apprehend will be, leſt the ſpirit of borrowing ſhould be turned looſe among us; but as we never fail of finding greater reſources in human nature, when attacked by any new evil, than could have been conceived, had ſhe never been put to the trial, it is to be hoped, rather to be depended upon, that in ſuch a caſe the ſpirit of denial would be enabled to act with additional vigour and ſufficient for a counterpoiſe; but as I have ſuppoſed that thoſe who will labour under this dread, will diſguiſe the real cauſe of it to themſelves, ſo I am apt to ſuſpect, they will do the ſame by the public, and clothe it in this obvious pretence; that ſince by grace of the Legiſlature a bill of inſolvency is commonly paſſed at the end of every ſeven years, any farther indulgence would be unneceſſary. As if that number of years were ſo ſmall a portion of mans life that the paſſing them in anguiſh were a trifle, or as if the only ſleeping over all opportunities that might happen in that ſpace of time towards re-eſtabliſh-

ing ones affairs, were eaſily, or ever recoverable! Is it too ſhort a time for men to contract habits of indolence or deſpair? would not he have as much claim to our pity as blame who by a diſmal recourſe to whatever might ſtupify the ſenſe of his own wretchedneſs, ſhould render himſelf unfit for every ſubſequent office of life. Are any of the ſpecies fit to be truſted at all, much leſs for ſo long a time, with the conſciouſneſs of having no character to preſerve? how can it be otherwiſe than that the generality who were honeſt when firſt confined, ſhould come out little better than villains? what temptations, what enforcements to be ſuch, when they are again turned looſe into the world, where they find themſelves forgotten, and what is worſe, where each has forgot his own obligations to it, in the impoſſibility of ſuſtaining himſelf, will his hand be reſtrained from invading the property of others? I could never yet find out, that all the clackers, the ſcarecrows invented by man, have hitherto been able to prevail upon the birds to die of hunger. The fact is, that however kind the intention of the Legiſlature, the effect falls far ſhort of it. Paſs but a month and our priſons are ſtuffed as full as ever, and almoſt entirely with the ſame perſons, certainly with the honeſter or more timid part of them, as they muſt have fewer reſources than the deſperate. Thus reconfined they can have no hope of any reverſion of liberty ſhould they live till

the cloſe of the next ſeven years, the benefit of the act not being communicable a ſecond time, to thoſe who have profited of a former, and never to thoſe whoſe debt exceeds a particular ſum to any one perſon.

Many objections I take for granted will be drawn from the terrible effects ſuch a bill will be ſuppoſed to have upon credit. I underſtand but little of trade, nothing of the myſtery of it, which I imagine thrown round it on purpoſe that it ſhould not be underſtood out of its own verge. Commerce I have the greateſt regard for. The merchant is the convenience and comfort of mankind; it is impoſſible for him who is the diſtributer of good to ſo many, not to have acquired a habit of benevolence to all, for good-will and hatred much oftener follow the kind office or injury we do, than they precede it. But there are ſome in the way of domeſtic bartering, whom I hold upon a lower level. While the one encourages and rewards induſtry over the whole acceſſible world; the other calculates the encreaſe of profit to one half of a calling by breaking the other, that is, all who ſhall preſume to content themſelves with a leſs advantage, and underſell the more flouriſhing of the fraternity. While the one is promoting the happineſs of thoſe whom he knows only as men, the other forgets the character of man, in thoſe he perſonally knows. Such a one can enjoy at night his own family, and

the extortion of the day, repoſing his conſcience upon as warm down as his body; and feeling no remorſe, at having deprived another of all that life has valuable, for a debt which he is convinced, is out of that wretch's power to diſcharge. It is to theſe only I would be underſtood to ſpeak; when I aſk, where could be the injury, were they forced to be a little more cautious whom and how they truſt? it would be improper to call it *lending*, as its meaning is *ruining:* for however paradoxical it may ſound, the doubtfulneſs of the ſecurity is often the motive to give the credit, as it is in effect, carrying to their only market goods elſe unſaleable, and at ſuch an inordinate price, that (as I am informed) if two out of five happen to pay, the whole turns to vaſt account. Perhaps it may be too trifling to conſider here, that in all calculations of loſſes in trade, which it is not likely to ſuppoſe underbalanced in favour of the calculator, that of bad payment muſt make a conſiderable article. Now ſince it is a neceſſary rule, that the honeſt payer ſhould make good the deficiencies of the diſhoneſt one, in that caſe the creditor has already received a conſideration for the very ſum for which he makes another man forfeit his liberty, or according to the phraſe commonly uſed, for which he has his *debtor*'s *bones*; a phraſe ſo expreſſive of the higheſt cruelty, and the moſt barbarous revenge, that one cannot but wonder it ſhould be in the

power

power of cuſtom to harden any thing calling it ſelf man into the pronouncing it without compunction. How brutal does it appear, when placed in oppoſition to one uſed by the *Spaniards*, upon a loſs of the like nature! that nation, not at all deficient in its reſentments, has a ſaying almoſt appropriated to this occaſion, *He has had a loaf of my bread.* So mild a reproach, without any purſuit following upon it, is uſually capable of ſatisfying the moſt vindictive people in *Europe*. Who can help honouring this ſtately humanity! there is ſomething ſo truly great in it, as there is ſomething ſo really noble in that ſacred reverence, in which they univerſally hold their word once given, that had they but planted theſe virtues inſtead of their ſuperſtition, in the countries they have ſubdued, one ſhould be ſo far from envying them their vaſt domains, and the riches they reap from them, that there are other parts of the world one could almoſt wiſh conquered upon ſuch terms.

What I have reſerved to the laſt, is what embaraſſes me not the leaſt. I have no doubt, but the utmoſt efforts will be put in uſe to diveſt any compaſſion that may be ſtirred in the public from taking effect, by all the numerous claſſes of Bailies, Followers, Setters and their immediate employers, thoſe ramifications of law, which drain their nouriſhment from a ſoil where there actually is none, and who will be all in terrors leſt their profeſſion ſhould wither,

wither. Shall our tenderneſs to this valuable race, make us continue in our old track of inhumanity and ill policy, rather than they ſhould have a new, and of neceſſity a more honeſt employment to ſeek? I know not what may not be apprehended from our perverſe lenity to undeſerving objects, after the free permiſſion we have ſeen allowed to diſtillers, to deſtroy the health and morals of a people on the ſame conſideration, what their arguments will be, as I am no lawyer, I cannot pretend to gueſs, very likely, for the ſame reaſon, ſhall not underſtand when I hear. I can only ſorrow to think how much it makes againſt me, that arguments in general are no loſers for being unintelligible. But to remove part of the alarm, be it known, we raiſe no battery againſt theſe profits in the groſs, we do not ſue for impunity to inſolvents, their deſtination is entirely ſubmitted to others. Our whole aim has been confined to ſhew, the infinite abſurdity as well as cruelty, in loading with unprofitable puniſhment thoſe, who if they ſuffered only ſuch penalties as are worthy of a free country to inflict upon free men, might be made of advantage to the community, as well as to their particular creditors, and that, I conceive, ought to be affected by milder or ſeverer regulations in proportion to the degree of misfortune, imprudence, fraud, or breach of truſt, that ſhall appear in the reſpective circumſtances. It is pity, that in

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this and many other caſes, the law does not make a little more diſtinction of crime, plain invariable hanging might be ſhewn to fit exactly at leaſt fifty different degrees of guilt.

It is at leaſt moſt earneſtly to be wiſhed, that the eyes of the Legiſlature may be opened, upon the abſolute neceſſity there is of putting ſome ſtop to the facility with which writs are obtained; how precarious and mean the protection of the *Britiſh* nation may be, and has been rendered by them, is but too manifeſt from the carrying off a *French* gentleman, not many years ſince, from his lodgings at *Marylebone* under that pretence, one probably of ſome conſequence, by the triumph made in *France* upon recovering him into their power. If no alteration is made, I do not ſee but that it may be more dangerous to abuſe the *French* government than our own in the middle of *London*, while ſuch a neighbour may purchaſe any one of us, if he thinks it worth while, at the moderate expence of a writ. If this is thought an unreaſonable dread as examples of it ſeem pretty ſcarce, I anſwer, it may have happened much oftner than we know, at leaſt it muſt be allowed, that there are abuſes enough beſides that recur too frequently for us not to join in crying aloud for a remedy. Nor can we doubt, but that every one of thoſe, who from ſo virtuous and commiſerating a principle have opened their purſes towards an

aſylum

aſylum for the already debauched of the ſex, will at leaſt open their mouths and give their intereſt againſt ſo frequent and prevalent a means of debauching even thoſe, who till that laſt diſtreſs, had reſolution enough to reſiſt all other decoys and enforcements.

I hope the reader will not think me leſs in earneſt, if I have very often appeared to trifle with ſo melancholy a ſubject, perhaps I may deſerve his excuſe for endeavouring to lead him through a new road to compaſſion, not that I ſuſpect the other to be ſo entirely paved with flint as ſome have thought, but becauſe he would have known all the objects on either hand by heart, and conſequently would have been leſs ſtruck with them, and I am ſorry to ſay it, the very beſt humanity fatigues without a little variety in its way. Beſides, I have obſerved that no ſpecies of charity is ſo eaſily wrought into activity as that which takes entertainment along with it, and to which either a play or a concert is made the vehicle. The ſubject in reſpect to the ſufferers, however it may be dreſſed, is only too ſad; but at the ſame time there appears, at leaſt to me, ſo great an abſurdity in our making them *ſo* ſuffer, that I could not always be ſerious. In whatever light he is pleaſed to look upon the following petition he muſt own there cannot be that priſoner for debt in his ſenſes, who were it offered to him, would not be mad if he did not ſign it.

To

To the Humanity of the Nation in P———t assembled.

'We the priſoners in the - - - for debt, in 'behalf of ourſelves and all others in, or likely 'to be in, the ſame unhappy circumſtances, and 'apprehenſive, from the preſent enormous price 'of every thing neceſſary to the ſupport of life, 'of greater numbers than ever being forced to 'follow our ſteps hither, and conceiving that 'however criminal it may be *to owe*, that we 'have ſtill a right of appealing to our fellow-'creatures, in moſt humble wiſe preſume to 'repreſent,

'That conſidering by our preſent condition, 'we are rendered a burden to the public, uſeleſs 'to ourſelves, and incapable of ſatisfying our 'creditors in any thing, but their revenge, 'though we are far from charging them all with 'having any, as we are thoroughly convinced a 'great part of them has entirely forgot that 'any one is under confinement at their ſuit; 'and at the ſame time being informed that 'there is at preſent in theſe kingdoms the 'utmoſt want of men for the ſervice at ſea, 'and as many of us yet, by means of air, ex-'erciſe and nouriſhment, might become able-'bodied, our moſt humble requeſt is, That it 'may be lawful for any preſs-gang to de-'mand entry of any priſon for debt, and a fight

'of every priſoner therein detained, and all or 'any ſuch priſoners as to them ſhall ſeem meet, 'without any conſent of the ſaid priſoners aſked 'or had, then and there to preſs, (and after 'receipt given for their bodies) aboard their 'reſpective ſhips immediately to convey, and in 'the ſervice of the ſame thenceforth to employ; 'and leſt the running the conſtant riſques of 'ſea, wounds, ſickneſs and death ſhould be 'thought ſo over happy a ſituation (conſidering 'our demerits) as to be defrauding our creditors 'of the right they have to our complete miſery, 'we on our ſides are willing and deſirous, that 'ſuch proportion of our pay as ſhall be judged 'proper, be ſtopped towards their reſpective 'ſatisfactions; and we ſhall eſteem ourſelves 'happy if thoſe laws whoſe victims we are, 'ſhall think fit to make this uſe of us, as a 'counterbalance to thoſe miſchiefs which the 'dread of them has brought upon our country, 'by not only building, but manning our enemy's 'ſhips, it not being to be expected that ſuch as 'could eſcape ſhould prefer periſhing at home 'in a priſon for the want of a few ſhillings, 'when they may enjoy freedom abroad, and 'encouragement, ſheltered from the rigour of 'our laws, under the milder treatment of popery, 'of arbitrary power, nay of the inquiſition.

'That in caſe we ſhall be deemed to aſk 'terms too favourable to ourſelves, our moſt 'humble petition is, inaſmuch as it has been

'the

'the opinion of many wiſe and ſkilful perſons in 'ſea-affairs, that galleys might be of great 'utility in our ſeas, were they but conſiſtent 'with our liberty, a ſcruple at which we cannot 'help wondering, that ſuch be forthwith con-'ſtructed and we therein employed, ſubject to 'the ſame conditions as galley-ſlaves univerſally 'are abroad, we for our parts being moſt ready 'to make our country a compliment of the 'term *Liberty*, which to our coſt we find not 'worth our conſideration, beſeeching our coun-'try to be ſo good for the future, whether it 'ſhall pleaſe to accept or reject our humble 'propoſal, as to make no manner of difficulty 'to call us, what we already are to the ex-'tremity of the ſenſe of the word, Slaves.

'And in caſe we ſhould ſtill be ſo unfortu-'nate as to have this looked upon as dealing 'too mercifully with us, then our moſt humble 'and earneſt petition is, that it may pleaſe the 'humanity of the nation to enact, that for the 'time to come, and for forty years retroſpective, 'all debts that in ſuch courſe of time, ſhall have 'been, or for the future may be contracted, 'exceeding the ſum of forty ſhillings of lawful 'money of *Great-Britain*, be deemed, conſtrued 'and puniſhed as felony, without benefit of 'clergy. And in return for ſuch great lenity 'to us had, in being no worſe dealt withal 'than highwaymen, either by tranſportation,

'which might give us a chance of acquiring a 'conſiderable fortune, or by death which has 'proved the only *real jail-delivery* to men in our 'ſituation, we

your Petitioners,

(as in duty bound)

ſhall ever pray.

Whether we ſhall have any compaſſion upon theſe unfortunate people or no, or whether they deſerve any, let us at leaſt have ſome upon ourſelves, that is our country. The number of thoſe detained in our priſons, ſurprizing and ſhocking as it is, is but a trifle in compariſon of the droves that in terrors of the ſame fate have conſtantly been, and ſtill are flying from us on every ſide, and at every port. Arts, Trade and Manufactures make their eſcape along with them, and whenever they happen to take root again, it is from our vitals at the long run, that their nouriſhment is ſupplied; there was a time when one might have added the danger contracted to our religion, by the perverſion of ſo many into it's virulent enemies. We have not that enemy in the world, (and do but reflect how great a part of it that implies) whoſe arms by ſea or land, or both, are not aſſiſted by our fugitives. The *Engliſh* are diſperſed as far

far and wide as the *Jews*, though not always under the ſame curſe of growing rich. At home we are ſhrinking into depopulation to a degree melancholy to thoſe who obſerve and reflect. What difficulties do we not find in raiſing the few forces neceſſary to our defence! can any thing but the abſolute ſcarcity of men account for the incompletion of our militia, for it cannot be ſuppoſed that we every one of us, wiſhed for it with ſo much zeal and ardour with an exception to our own particular ſervice in it. A kingdom like this, when it has not a hundred thouſand men to ſpare upon an emergency, is an eſtate that can only make ſhift to ſupport its owner, until he has a fit of ſickneſs, but then cannot pay the doctor's bill. We have been drained and waſted by commerce, colonies, gin, debauchery, tranſportation, and the laviſh uſe of the gallows, until the ſkin of what we were, hangs looſe about us in plaits; and yet we talk on as when we were all muſcle and nerve. As long as the ſtreets of *London* continue a litte ſhew of hurry and buſineſs, we judge the whole country to be full of vigour, not conſidering, that as long as any blood is left in us the pulſe of it will certainly beat there; nay, perhaps, will be found in time to palpitate a little while, like the heart of an eel, after the vitals are ſeperated from it.

In

It would be eaſy from Sir *William Petit's* eſtimate of the annual value of every ſubject to the Public, and from the number of actual priſoners for debt in *Great-Britian*, allowing only five times as many, to have fled for fear of becoming ſuch, to ſhew that we generouſly are at the expence of millions, to give the advantage over ourſelves to our rivals in trade, and our enemies in war. And this at a time when we ought rather in national prudence, to buy inhabitants to the land at a ſtill greater rate than we already give, (as I have juſt ſhewn) to confine or ſcare away the ſcanty remains of ourſelves.

But why after all, though we have only called what we ſue for, *an act of perpetual inſolvency*, ſhould not all men be treated alike, and the act of bankruptcy (under what ever new reſtrictions or penalties ſhall be thought proper) be thrown open equally to all? Is not that man's liberty as valuable to himſelf who deals only for a dozen rows of pins, as his who is concerned in as many ſhips to either *Indies?* Why ſhould the greatneſs of the debt, which aught rather to aggravate the penalty, become the ſecurity of the failer? I will not endeavour to vary the lights in which this might be expoſed, leſt I ſhould dim the glaringneſs of the conviction, for ſuch, unleſs I am quite faſcinated with